

OWNER'S CERTIFICATE OF CONTINUING PROGRAM COMPLIANCE

Exhibit A

To: Tennessee Housing Development Agency
Attention: Division of Program Compliance
404 James Robertson Parkway, Suite 1114
Nashville, Tennessee 37243-0900

Certification Dates: From: January 1, 2006 – To: December 31, 2006

Project Name: _____ Project No: TN _____

Project Address: _____

Project City: _____ TN Project Zip Code: _____

Tax Identification Number of the Ownership Entity: _____

The undersigned _____ on behalf of _____
(the "Owner"), hereby certifies that

1. The project meets the minimum requirements of (check one):

- ☐ 20 – 50 test under Section 42(g)(1)(A) of the Code
☐ 40 – 60 test under Section 42(g)(1)(B) of the Code
☐ 15 – 40 test for "deep rent-skewed" project under Section 42(g)(4) and 142(d)(4)(B) of the Code.

2. There has been **no change in the applicable fraction** (as defined in Section 42(c)(1)(B) of the Code) for any building in the project:

☐ **NO CHANGE** ☐ **CHANGE**

If "**Change**", list the applicable fraction to be reported to the IRS for each building in the project for the certification year on Exhibit C: Applicable Fraction Worksheet.

3. The owner has received an annual Household Income Certification from each low-income resident during 2006 and documentation to support that certification:

☐ **YES** ☐ **NO**

4. Each low-income unit in the project has been rent-restricted under Section 42(g)(2) of the Code:

☐ **YES** ☐ **NO**

5. All low-income units in the project are and have been for use by the general public and used on a non-transient basis (except for transitional housing for the homeless provided under Section 42(l)(3)(B)(iii) of the Code):

☐ **YES** ☐ **NO** ☐ **HOMELESS**

6. No finding of discrimination under the Fair Housing Act 42 U.S.C 3601-3619, has occurred for this project. A finding of discrimination includes an adverse final decision by the Secretary of Housing and Urban Development (HUD), 24 CFR 180.680, an adverse final decision by a substantially equivalent state or local fair housing agency, 42 U.S.C. 3616a(a)(1), or an adverse judgement from a federal court:

☐ **NO FINDING** ☐ **FINDING**

7. Each building in the project is and has been suitable for occupancy, taking into account local health, safety and building codes (or other habitability standards), and the state or local government unit responsible for making building code inspections did not issue a report of a violation for any building or low-income unit in the project:

☐ **YES** ☐ **NO**

If "**No**", state nature of violation on page 3 and attach a copy of the violation report as required by 26 CFR 1.42-5 and any documentation of correction.

8. There has been **no change in the eligible basis** (as defined in Section 42(d) of the Code) of any building in the project since the last certification submission:

☐

NO CHANGE

☐

CHANGE

If "**Change**", state nature of change (e.g., a common area has become commercial space, a fee is now charged for a resident facility formerly provided without charge, or the project owner has received federal subsidies with respect to the project which had not been disclosed to the allocating authority in writing) on page 3.

9. All tenant facilities included in the eligible basis under Section 42(d) of the Code of any building in the project, such as swimming pools, other recreational facilities, parking areas, washer/dryer hookups, and appliances were provided on a comparable basis without charge to all tenants in the buildings:

☐

YES

☐

NO

10. If a low-income unit in the project has been vacant during the year, reasonable attempts were or are being made to rent that unit or the next available unit of comparable or smaller size to tenants having a qualifying income before any units were or will be rented to tenants not having a qualifying income:

☐

YES

☐

NO

11. If the income of tenants of a low-income unit in any building increased above the limit allowed in Section 42(g)(2)(D)(ii) of the Code, the next available unit of comparable or smaller size in that building was or will be rented to residents having a qualifying income:

☐

YES

☐

NO

12. An extended low-income housing commitment as described in Section 42(h)(6) was in effect, including the requirement under Section 42(h)(6)(B)(iv) that an owner cannot refuse to lease a unit in the project to an applicant because the applicant holds a voucher or certificate of eligibility under Section 8 of the United States Housing Act of 1937, 42 U.S.C. 1437s. Owner has not refused to lease a unit to an applicant based solely on their status as a holder of a Section 8 voucher and the project otherwise meets the provisions, including any special provisions, as outlined in the extended low-income housing commitment (not applicable to building with tax credits from years 1987-1989):

☐

YES

☐

NO

13. The owner received its credit allocation from the portion of the state ceiling set-aside for a project involving "qualified non-profit organizations" under Section 42(h)(5) of the Code and its non-profit entity materially participated in the operation of the development within the meaning of Section 469(h) of the Code:

☐

YES

☐

NO

If "**YES**", complete Exhibit H and contact Agency for format of "Opinion Letter" for nonprofit participant.

14. The owner has complied with Section 42(h)(6)(E)(ii)(I) and not evicted or terminated the tenancy of an existing tenant of any low-income unit other than for good cause.

☐

YES

☐

NO

15. The owner has complied with Section 42(h)(6)(E)(ii)(II) and not increased the gross rent above the maximum allowed under Section 42 with respect to any low-income unit.

☐

YES

☐

NO

16. There has been **no change in the ownership or management** of the project:

☐

NO CHANGE

☐

CHANGE

Complete Addendum A – Identification of Ownership/Management.

17. What was the occupancy percentage at this project as of December 31, 2006?

_____ %

Note: Failure to complete this form in its entirety will result in noncompliance with program requirements. In addition, this form must be signed by an owner or general partner of the property, unless otherwise permitted by Tennessee Housing Development Agency.

This property is otherwise in compliance with the Internal Revenue Code Section 42 including any Treasury Regulations, the applicable State Qualified Allocation Plan, and all other applicable laws rules and regulations. This Certification and any attachments are made UNDER PENALTY OF PERJURY. False statements are punishable as a Class E felony under Tennessee Code Annotated (TCA) Section 13-23-133.

(Ownership Entity)

By: _____
Title: _____

PLEASE EXPLAIN ANY ITEMS THAT WERE ANSWERED "NO", "CHANGE", OR "FINDING" ON QUESTIONS 1-16.

| Question No. | Explanation |
|--------------|-------------|
| | |
| | |
| | |
| | |

CHANGES IN OWNERSHIP (to be completed ONLY if "CHANGE" marked for Question 16)
Also request and complete form Attachment B – Transfer of Ownership Interest.

TRANSFER OF OWNERSHIP

Date of Change: _____
Taxpayer ID Number: _____
Legal Owner Name: _____
General Partnership: _____
Status of Partnership (LLC, etc.): _____